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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR THE  
HOLDERS OF THE GSAMP TRUST 2005-  
SEA2;

Plaintiff,

vs.

THE FOOTHILLS AT SOUTHERN  
HIGHLANDS HOMEOWNERS  
ASSOCIATION; SFR INVESTMENTS POOL  
1, LLC; RED ROCK FINANCIAL  
SERVICES, LLC,

Defendants.

AND ALL RELATED MATTERS.

Case No. 2:16-cv-00245-GMN-PAL

**[PROPOSED] ORDER VACATING IN  
PART ORDER ENTERED JULY 27, 2018  
[ECF NO. 81]**

On July 27, 2018, this Court denied summary judgment as to SFR Investments Pool 1, LLC's ("SFR") claims for quiet title and injunctive relief against Deutsche Bank National Trust Company, as Trustee for the Holders of the GSAMP Trust 2005-SEA2 ("Deutsche") and Mortgage Electronic Registration Systems, Inc., as nominee beneficiary for Meridias Capital, Inc. ("MERS") because, under *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016), the Foothills At Southern Highlands Homeowners Association ("HOA") "foreclosed under a facially unconstitutional notice scheme" and therefore the "foreclosure sale cannot have extinguished" either Deutsche's deed of trust or MERS' deed of trust on the property. [Order 9:4-6, 9:10-16, ECF No. 81]. The Ninth Circuit has since held, however, that Nevada's homeowner's

1 association foreclosure scheme is not facially unconstitutional because the decision in *Bourne*  
2 *Valley* was based on a construction of Nevada law that the Nevada Supreme Court has since made  
3 clear was incorrect. See *Bank of Am., N.A. v. Arlington W. Twilight Homeowners Ass'n*, 920 F.3d  
4 620, 624 (9th Cir. 2019) (recognizing that *Bourne Valley* “no longer controls the analysis” in light  
5 of *SFR Investments Pool 1, LLC v. Bank of New York Mellon*, 422 P.3d 1248 (Nev. 2018)).  
6 Accordingly, this Court vacates its Order [ECF No. 81] to the extent that the Order granted  
7 Deutsche’s Motion for Summary Judgment as against SFR and to the extent that the Order denied  
8 SFR’s Motion for Summary Judgment as it relates to Deutsche and MERS. In its stead, the Court  
9 enters judgment as follows:

10 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Order entered on  
11 July 27, 2018, as [ECF No. 81] is VACATED IN PART. Specifically, this Court vacates (1) the  
12 portion of the July 27, 2018 Order directing that summary judgment be entered in favor of  
13 Deutsche as to its claims against SFR, and (2) the portion of the July 27, 2018 Order directing that  
14 SFR's motion for summary judgment with regard to counterclaim defendant MERS be denied. The  
15 Court expressly does not vacate the portion of the July 27, 2018, Order directing that summary  
16 judgment be entered in favor of SFR with regard to its claims against Ulfat S. Siddiqui, in his  
17 individual capacity as well as in his capacity as trustee of the Ulfat S. Siddiqui Trust-90.

18 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that SFR Investments  
19 Pool 1, LLC will proceed with its claims against MERS by filing a Renewed Motion for Judgment  
20 by Default as against MERS.

21 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that all claims between  
22 Deutsche Bank National Trust Company, as Trustee for the Holders of the GSAMP Trust 2005-  
23 SEA2 and SFR Investments Pool 1, LLC are dismissed with prejudice, with each party to bear its  
24 own fees and costs.

25 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Red Rock Financial  
26 Services, LLC has already been dismissed, with prejudice, from this action and need not participate  
27 further in these proceedings.  
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1           **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the status check  
2 hearing scheduled for July 11, 2022, at 11:00 AM, is vacated.

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9 Respectfully submitted by:

10 **HANKS LAW GROUP**

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Approved as to form and content by:

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19 *Company, as trustee for the Holders of the*  
20 *GSAMP Trust 2005-SEA2*

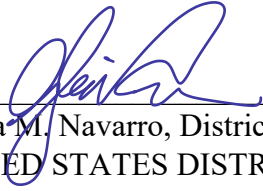
Approved as to form and content by:

**KOCH & SCOW LLC**

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*LLC*

22 **IT IS SO ORDERED.**

23 Dated this 7 day of July, 2022.

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26   
27 Gloria M. Navarro, District Judge  
28 UNITED STATES DISTRICT COURT